

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RODNEY DANIEL MCLEOD,)	
)	
Petitioner, pro se,)	
)	
v.)	1:08CV868
)	1:05CR59-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On February 16, 2010, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed, and notice was served on the parties in this action. Within the time limitation set forth in the statute, Petitioner objected¹ to the Recommendation.

The court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination, which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED that Petitioner's motion to vacate, set aside or correct sentence (Doc. 67), as amended, be DENIED and that this action be DISMISSED with prejudice. A Judgment dismissing

¹ The court notes that Petitioner has filed a motion for extension of time to file objections, and he has filed objections. Neither filing is proper because neither shows a proper certificate of service. The court has nevertheless considered the objections, which largely restate Petitioner's original argument in support of his petition.

this action will be entered contemporaneously with this Order. Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

/s/ Thomas D. Schroeder
United States District Judge

March 31, 2010